

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **COLLECTION WELL FOR BODY FLUID TESTER**

The specification of which

- a. ☐ is attached hereto
 b. ☒ is entitled **COLLECTION WELL FOR BODY FLUID TESTER**, having an attorney docket number 9366.28US01
 c. ☐ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. 40,481	Lacy, Paul E.	Reg. No. 38,946
Anderson, Gregg I.	Reg. No. 28,828	Larson, James A.	Reg. No. 40,443
Ansems, Gregory M.	Reg. No. 42,264	Lasky, Michael B.	Reg. No. 29,555
Batzli, Brian H.	Reg. No. 32,960	Liepa, Mara E.	Reg. No. 40,066
Beard, John L.	Reg. No. 27,612	Lindquist, Timothy A.	Reg. No. 40,701
Berman, Charles	Reg. No. 29,249	Lynch, David W.	Reg. No. 36,204
Black, Bruce E.	Reg. No. 41,622	Marschang, Diane L.	Reg. No. 35,600
Blasdel, Thomas L.	Reg. No. 31,329	McDaniel, Karen D.	Reg. No. 37,674
Bogucki, Raymond A.	Reg. No. 17,426	McDonald, Daniel W.	Reg. No. 32,044
Bruess, Steven C.	Reg. No. 34,130	McIntyre, Iain A.	Reg. No. 40,337
Byrne, Linda M.	Reg. No. 32,404	McKenzie Denise L.	Reg. No. P-43,790
Carlson, Alan G.	Reg. No. 25,959	Mueller, Douglas P.	Reg. No. 30,300
Carter, Charles G.	Reg. No. 35,093	Nasiedlak, Tyler L.	Reg. No. 40,099
Caspers, Philip P.	Reg. No. 33,227	Nelson, Albin J.	Reg. No. 28,650
Chiapetta, James R.	Reg. No. 39,634	Parker, Sandra M.	Reg. No. 36,233
Clifford, John A.	Reg. No. 30,247	Pauly, Daniel M.	Reg. No. 40,123
Cochran, William W.	Reg. No. 26,652	Plunkett, Theodore	Reg. No. 37,209
Daignault, Ronald A.	Reg. No. 25,968	Pytel, Melissa J.	Reg. No. 41,512
Daley, Dennis R.	Reg. No. 34,994	Reich, John C.	Reg. No. 37,703
Dalglisch, Leslie E.	Reg. No. 40,579	Reiland, Earl D.	Reg. No. 25,767
Daulton, Julie R.	Reg. No. 36,414	Rittmaster, Ted R.	Reg. No. 32,933
DeVries Smith, Kate	Reg. No. 42,157	Schmaltz, David G.	Reg. No. 39,828
DiPietro, Mark J.	Reg. No. 28,707	Schuman, Mark D.	Reg. No. 31,197
Edell, Robert T.	Reg. No. 20,187	Schumann, Michael D.	Reg. No. 30,422
Epp Ryan, Sandra	Reg. No. 39,667	Sebald, Gregory A.	Reg. No. 33,280
Farber, Michael B.	Reg. No. 32,612	Skoog, Mark T.	Reg. No. 40,178
Funk, Steven R.	Reg. No. 37,830	Soderberg, Richard	Reg. No. -P-43,352
Glance, Robert J.	Reg. No. 40,620	Sumner, John P.	Reg. No. 29,114
Golla, Charles E.	Reg. No. 26,896	Sumners, John S.	Reg. No. 24,216
Gorman, Alan G.	Reg. No. 38,472	Tellekson, David K.	Reg. No. 32,314
Gould, John D.	Reg. No. 18,223	Trembath, Jon R.	Reg. No. 38,344
Gregson, Richard	Reg. No. 41,804	Underhill, Albert L.	Reg. No. 27,403
Gresens, John J.	Reg. No. 33,112	Vandenburgh, J. Derek	Reg. No. 32,179
Hamre, Curtis B.	Reg. No. 29,165	Vradenburgh, Anna M.	Reg. No. 39,868
Hillson, Randall A.	Reg. No. 31,838	Welter, Paul A.	Reg. No. 20,890
Johnston, Scott W.	Reg. No. 39,721	Whipps, Brian	Reg. No. 43,261
Kastelic, Joseph M.	Reg. No. 37,160	Wickhem, J. Scot	Reg. No. 41,376
Kettelberger, Denise	Reg. No. 33,924	Williams, Douglas J.	Reg. No. 27,054
Knearl, Homer L.	Reg. No. 21,197	Witt, Jonelle	Reg. No. 41,980
Komanduri, Janaki	Reg. No. 40,684	Wood, Gregory B.	Reg. No. 28,133
Kowalchuk, Alan W.	Reg. No. 31,535	Wood, William J.	Reg. No. 42,236
Kowalchuk, Katherine M.	Reg. No. 36,848	Xu, Min S.	Reg. No. 39,536
Kubota, Glenn M.	Reg. No. P-44,197		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould, Smith, Edell, Welter & Schmidt to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

I hereby declare that all statements made in of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name ALLEN	First Given Name JOHN	Second Given Name J.
0	Residence & Citizenship	City MENDOTA HEIGHTS	State or Foreign Country MINNESOTA	Country of Citizenship USA
1	Post Office Address	Post Office Address 1020 BROMPTON PLACE	City MENDOTA HEIGHTS	State & Zip Code/Country MINNESOTA 55118/USA
Signature of Inventor 201:			Date: 3/10/99	
2	Full Name Of Inventor	Family Name RACCHINI	First Given Name JOEL	Second Given Name R.
0	Residence & Citizenship	City EDINA	State or Foreign Country MINNESOTA	Country of Citizenship USA
2	Post Office Address	Post Office Address 4221 W. 44TH STREET	City EDINA	State & Zip Code/Country MINNESOTA 55424/USA
Signature of Inventor 202:			Date: 3/10/99	

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)–(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name Donna Macedo

Signature

Date

**REVOCATION OF POWER OF
ATTORNEY/POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT**

Commissioner for Patents
Washington, D.C. 20231

Attorney Docket

LIFE-096CON2

First Named Inventor

Allen et al.

Application Number

10/001,776

Filing Date

October 18, 2001

Group Art Unit

3736

Examiner Name

N/A

Title: COLLECTION WELL FOR BODY FLUID TESTER

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application and hereby appoint Practitioners at:



24353



24353

PATENT & TRADEMARK OFFICE

whose address is: Bozicevic, Field & Francis LLP, 200 Middlefield Road, Suite 200, Menlo Park, CA 94025; Mark Warfield, Reg. No. 33,463, Bernard E. Shay, Reg. No. 32,061, Mayumi Maeda, Reg. No. 40,075 and all Johnson & Johnson attorneys associated with Customer No. 27777 as its attorney(s) or agent(s) to prosecute the application identified above, to prepare and file amendments, to inspect and make copies thereof and of any papers in any appellate or *inter partes* proceedings in which the Application may be or become involved, and generally to conduct all business in the United States Patent and Trademark Office relating to the prosecution of the application or any application that claims priority from this application.



Please change the correspondence address for the above-identified application to the above-mentioned customer number (24353).

STATEMENT UNDER 37 CFR § 3.73(b)

In accordance with 37 CFR §3.73(b) I hereby certify that I am empowered to act on behalf of the Assignee of the above-identified patent application. A copy of the Assignment is attached.

I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code §1001 and that such willful false statements may jeopardize the validity of the above referenced application or any patent resulting from that application.

I am the:

- ☐ Applicant; or
☒ Assignee of record of the entire interest
☐ Attorney of record

SIGNATURE of Applicant, Assignee or Attorney of Record

Name

Joel Racchini, General Manager and Director for Integ, Inc.

Signature

Date

4/23/02